

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA ex rel.  
ROBERT TAYLOR,

Plaintiff,

v.

GCI LIBERTY, INC., a/k/a GENERAL  
COMMUNICATION, INC.; and  
EASTERN ALEUTIAN TRIBES, INC.,

Defendants.

CASE NO. 2:19-cv-02029-LK

ORDER GRANTING UNITED  
STATES' *EX PARTE*  
APPLICATION FOR EXTENSION  
OF TIME TO CONSIDER  
ELECTION TO INTERVENE

**FILED UNDER SEAL**

This matter comes before the Court on the Government's seventh *ex parte* application for an extension of time to consider whether to intervene. Dkt. No. 25. Having considered the Government's application and the relevant record, the Court GRANTS the Government's application for an extension of time to May 11, 2023.

In December 2019, Relator Robert Taylor filed a complaint under seal against GCI Liberty, Inc. and Eastern Aleutian Tribes, Inc. under the qui tam provisions of the False Claims Act ("FCA"), 31 U.S.C. §§ 3729–33. Dkt. No. 1. Following six extensions of time, the Government's

1 deadline to elect whether to intervene in the action was January 11, 2023. Dkt. Nos. 5, 7, 11, 17,  
2 20, 24. On January 10, 2023, the Government moved for another extension of time, reiterating that  
3 the parties have reached a proposed agreement in principle to settle the matter, but need more time  
4 than initially anticipated to effectuate a global resolution. Dkt. No. 25 at 1–2, 4–6. Relator and  
5 Defendant GCI Communication Corporation support the request for an extension. Dkt. Nos. 25-2,  
6 25-3.

7 “In FCA cases initiated by a private relator, the Government has an unfettered right to  
8 intervene within 60 days after service of the complaint and all material evidence the relator  
9 possesses, with extensions of the period for intervention available for good cause.” *United States*  
10 *v. Acad. Mortg. Corp.*, 968 F.3d 996, 1008 (9th Cir. 2020) (citing 31 U.S.C. § 3730(b)(2)–(3)).  
11 However, as the Court noted in its March 28, 2022 Order, the Government does not have an  
12 unfettered right to rubber-stamp extensions. The Court cautioned that it would not allow this case  
13 to slip into “a ‘comfortable routine’ of [an extension] request followed by another request[.]” Dkt.  
14 No. 20 at 3 (quoting *United States ex rel. Brasher v. Pentec Health, Inc.*, 338 F. Supp. 3d 396, 401  
15 (E.D. Pa. 2018)).

16 Here, the Court finds that the Government has shown good cause for its request. Over the  
17 last seal period, the Department of Justice (“DOJ”) and GCI preliminarily agreed to a settlement  
18 amount, and a formal recommendation has been sent to officials within the DOJ with authority to  
19 act. Dkt. No. 25 at 5. DOJ and GCI have also “engaged in numerous conversations to discuss the  
20 details of a proposed resolution, exchanged multiple drafts of the proposed settlement agreement,  
21 and continue to negotiate the detailed terms of those agreements.” *Id.* Simultaneously, the Federal  
22 Communications Commission’s Enforcement Bureau is negotiating a consent decree with GCI.  
23 *Id.* Due to the complexity of the program rules and issues, “negotiations have been necessarily  
24 protracted and required many rounds of proposals and counterproposals.” *Id.* The Government

1 contends that the extension is required for the parties to effectuate their settlement in principle and  
2 obtain the necessary approvals. *Id.* at 6. The Federal Communications Commission supports the  
3 Government's request for an extension. *Id.*

4 Finding good cause, the Court GRANTS the Government's *ex parte* application and  
5 ORDERS the Government to notify the Court whether it will intervene by May 11, 2023. The  
6 Clerk is DIRECTED to maintain the Second Amended Complaint, this Order, and other filings in  
7 this matter under seal until further order of the Court.

8 Dated this 13th day of January, 2023.

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Lauren King  
11 United States District Judge  
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